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March 2, 2006

BY ECF

The Honorable Marianne B. Bowler
United States District Court
for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

**Re: Citizens for Consumer Justice, et al v. Abbott Laboratories, et al.,
Civil Action No. 01-cv-12257 PBS**

Dear Magistrate Judge Bowler:

I write on behalf of Amgen, Inc. ("Amgen") in response to *Plaintiffs' Second Motion to Compel Production by Amgen, Inc. with Request for Expedited Briefing and Disposition* ("Motion to Compel"), which Plaintiffs filed late in the day on Monday, February 27, 2006.

Notwithstanding the provisions of the Local Rule 7.1(B)(2) setting forth the time period in which parties shall file an opposition to a motion, Plaintiffs ask the Court for an Order that Amgen "must submit any opposition briefing and supporting materials no later than Monday, March 6, 2006," – just five business days after service of the Motion to Compel. *See id.* at 2. As a practical matter, Amgen cannot comply with Plaintiffs' proposed deadline. I am out of state for the remainder of this week, returning to the office on Monday, March 6. Similarly, my co-counsel in this matter, Hank Young, of the law firm of Hogan & Hartson, will be traveling for the most of this week.

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Although Amgen does not agree with Plaintiffs' assertions that the "press of the Court's Track Two schedule" somehow requires an expedited briefing schedule in relation to the Motion to Compel, Amgen will agree to file its opposition to the Motion by **Friday, March 10, 2006**, ahead of the deadline set by Local Rule 7.1(B)(2). In fact, Attorney Young communicated this position to Plaintiffs' Attorney Lopez this morning, seeking the Plaintiffs' assent to the March 10 deadline. Attorney Lopez has not yet responded to Attorney Young's request.

Accordingly, Amgen respectfully requests that the Court deny Plaintiffs' Motion to Compel insofar as it seeks an Order requiring Amgen to submit its Opposition by Monday, March 6, 2006.

Should the Court have any questions regarding the above, please let me know and I will promptly respond.

Very truly yours,

/s/ Frank A. Libby, Jr.

Frank A. Libby, Jr.

cc: All counsel (by ECF and Lexis/Nexis)